IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CR-2-12-013(1)
	:	JUDGE MARBLEY
v.	:	
	:	
DARRELL A. ANDERSON,	:	
	:	
Defendant.	:	

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, the Indictment returned in this action contained a forfeiture allegation (Forfeiture A) notifying Defendant Darrell A. Anderson that the United States sought the forfeiture of specific property of Defendant Darrell A. Anderson, pursuant to 18 U.S.C. §924(d)(1) and 21 U.S.C. §853(a)(1), based on the conduct of Defendant Darrell A. Anderson in Counts One, Four, Five, and Six of the Indictment, in violation of 21 U.S.C. §§841(a)(1), (b)(1)(B)(i),(b)(1)(B)(iii), and (b)(1)(C), and 21 U.S.C. §846, which property is fully described below ("subject property"); and

WHEREAS, on June 15, 2012, Defendant Darrell A. Anderson consented to enter a plea of guilty before a magistrate judge and entered a Plea of Guilty to Count One of the Indictment before Magistrate Judge Norah McCann King[1]; and

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[1]Please see Paragraph Six of Defendant Darrell A. Anderson's Plea Agreement regarding the disposition of Counts Four, Five, and Six of the Indictment.

WHEREAS, on June 15, 2012, Magistrate Judge King entered her Report and Recommendation in which she found that Defendant Darrell A. Anderson entered his plea of guilty to Count One of the Indictment because he is in fact guilty of the offense charged in the Indictment; and

WHEREAS, as the date for filing objections to the Report and Recommendation expired on July 2, 2012, this Court adopts the Report and Recommendation of Magistrate Judge King; and

WHEREAS, in the Plea Agreement entered on March 7, 2012, Defendant Darrell A. Anderson acknowledged liability for the forfeiture alleged in Forfeiture A of the Indictment involving the facilitating equipment (scales), firearms, and United States currency[2], all of which were seized from Defendant Darrell A. Anderson and his co-conspirator at the time of the execution of the search warrant in connection with this case. Defendant Darrell A. Anderson agreed to co-operate fully in the forfeiture of the subject property and also agreed not to contest the forfeiture in any way or to assist others in contesting that forfeiture.

WHEREAS, by virtue of said Indictment, Guilty Plea, and Plea Agreement the Court has determined that the requisite nexus exists between the subject property and Count One of the Indictment, that the subject property is forfeitable pursuant to 18 U.S.C. §924(d)(1) and 21 U.S.C. §853(a)(1), and that the United States is now entitled to possession of the subject property.

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[2]The $22,037.00 in U.S. Currency was Administratively Forfeited by the Drug Enforcement Administration on April 12 and 26, 2012, as listed in the United States' Notice of Completed Forfeiture (Doc. 28) filed May 3, 2012.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

1. That Defendant Darrell A. Anderson shall forfeit to the United States the subject property, that is:

A Helwan, Model Brigadier, 9mm pistol, SN: 1062856, including any ammunition; and

Two (2) digital scales.

2. That the United States Marshals Service shall immediately seize the subject property and hold same in his secure custody and control.

3. That the United States is authorized to conduct any discovery proper in identifying, locating or disposing of the subject property in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. That the United States shall publish, in accordance with the provisions of 21 U.S.C. §853(n), notice of this Order and notice of its intent to dispose of the subject property in such manner as the Attorney General may direct.

5. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding in accordance with Fed. R. Crim. P. 32.2(b)(6).

6. That pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to Defendant Darrell A. Anderson at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

7. That following the Court's disposition of all petitions filed pursuant to 21 U.S.C. §853(n), or, if no such petitions are filed, following the expiration of the period for the filing of such petitions, the United States shall have clear title to the subject property.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

ORDERED this 1 day of October, 2012.

HONORABLE ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT JUDGE